

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE ALFREDO SUAREZ,

Plaintiff,

v.

O. VALLADOLID, et al.,

Defendants.

No. 1:22-cv-00160-SAB (PC)

ORDER REGARDING DEFENDANTS'
STIPULATION TO CONTINUE THE TRIAL
DATE

(ECF No. 87)

Plaintiff is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This case is currently set for jury trial on August 6, 2024. (ECF No. 79.)

On April 30, 2024, Defendants submitted a stipulation to continue the trial date by one week to August 13, 2024, or as soon thereafter as the Court is available except for September 9-20, 2024. (ECF No. 87.) Counsel for Defendants submits that he “is scheduled to participate in a long standing pre-paid event necessitating this request for a one-week continuance of the trial date. (Id.)

Defendants are advised that the Court’s availability for continuing the jury trial to another date is very limited as the Court’s calendar is impacted with multiple other pending cases, and the instant request was filed nearly *three* months after the trial was scheduled. Indeed, during the week of August 13, 2024, two settlement conferences in prisoner civil rights case are set-one on

1 August 13, 2024, at 9:30 a.m.¹ and one on August 15, 2024, at 1:30 p.m.² In addition, the Court's
2 calendar in September 2024, is very impacted and the rescheduling of the jury trial is not feasible.
3 Also, as stated above, Defendants' request is not in compliance with Local Rule 144 as it was not
4 filed until nearly three months after knowledge and nearly four months before the scheduled trial
5 date, and there is no indication of whether the event was scheduled before or after the trial was set
6 in February.³ Nonetheless, given the position Defendants have placed upon the Court,
7 Defendants may reach out to the assigned Deputy Attorney General in the two cases set for
8 settlement conference to ascertain if the parties can switch and move the settlement conferences
9 to August 6, 2024, at 9:30 a.m. and 1:00 p.m.

10 Accordingly, it is HEREBY ORDERED that:

11 1. Within **fifteen (15)** days from the date of service of this order, Defendants may
12 reach out to assigned Deputy Attorney General in the above referenced cases to ascertain if the
13 parties can switch and move the settlement conferences to August 6, 2024, at 9:30 a.m. and 1:00
14 p.m.; and

15 2. Defendants shall submit a proposed order continuing the trial date which the Court
16 will consider as part of its ruling to continue the trial. Defendants shall also submit proposes
17 orders changing the date of the settlement conferences (conceivably to the times which this trial is
18 now set- in other words, switch the dates). Defendants shall also inform the Court whether the
19 "pre-paid event" was paid before or after the Court scheduled the jury trial in February 1, 2024.

20 IT IS SO ORDERED.

21 Dated: **May 1, 2024**

22 
23 UNITED STATES MAGISTRATE JUDGE

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26 ¹ Case No. 1:23-cv-00669-KES BAM (PC), Silas v. Barbosa.

27 ² Case No. 1:22-cv-01487-KES BAM (PC), Keller v. DeGough.

28 ³ See Local Rule 144(d) ("Counsel shall seek to obtain a necessary extension from the Court or from other counsel or parties in an action as soon as the need for an extension becomes apparent.").